

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT TOWNSEND, et al.,

Plaintiffs,

v.

BANK OF NEW YORK MELLON, et al.,

Defendants.

CASE NO. 3:20-cv-05397-JHC

ORDER


On January 11, 2023, the Court asked the parties whether they would oppose a stay pending the resolution of two cases currently before the Washington Supreme Court, *Copper Creek (Marysville) Homeowners Ass'n v. Kurtz*, 21 Wash. App. 2d 605, 508 P.3d 179 (2022), review granted sub nom. *Copper Creek Homeowners Ass'n v. Wilmington Sav. Fund Soc'y*, 200 Wash. 2d 1001, 516 P.3d 377 (2022), and *Merritt v. USAA Fed. Sav. Bank*, 21 Wash. App. 2d 1039 (2022), review granted, 200 Wash. 2d 1001, 516 P.3d 372 (2022). See Dkt. # 57. Both parties responded that they would not oppose a stay. Dkt. ## 58 at 1; 59 at 1.

The Court hereby ORDERS that this case is STAYED until the Washington Supreme Court issues decisions in both *Copper Creek* and *Merritt*. The parties shall, within seven days of the Washington Supreme Court's resolution of *either* case, inform this Court that the Washington

1 Supreme Court has issued a decision. That is, the parties must inform the Court when the  
2 Washington Supreme Court issues a decision in *Copper Creek* and must do the same when the  
3 Washington Supreme Court issues a decision in *Merritt*. The Court may lift the stay earlier than  
4 stated above if the Court determines that the Washington Supreme Court's resolution of one of  
5 the two cases is enough to help answer the questions presented in this case.

6 The Court DIRECTS the clerk to remove Defendants' summary judgment motion (Dkt.  
7 # 44) from the Court's calendar.

8 Dated this 26th day of January, 2023.

9   
10 John H. Chun  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24